

REQUEST FOR PROPOSALS

Technical Assistance for the Alternative and Renewable Fuel and Vehicle Technology (ARFVT) Program



RFP # 600-12-604
www.energy.ca.gov/contracts/
State of California
California Energy Commission
January 2013

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Attachments

- 1 Contractor Status Form
- 2 Darfur Contracting Act
- 3.1 Certified Small/micro Business, Non-small Business and DVBE Certification Instructions
- 3.2 Disabled Veteran Business Enterprise Program Requirements
- 3.3 DVBE Std. 843
- 3.4 Bidder Declaration form GSPD-05-105
- 4 Contractor Certification Clauses
- 5 Client References
- 6 Sample Standard Agreement
- 7 Budget Forms
- 8 Hypothetical Exercise

I. Introduction

PURPOSE OF RFP

The purpose of this RFP is to hire an experienced, full-service contractor team (composed of a Contractor and subcontractors) to provide technical support services and engineering consultancy services for the California Energy Commission's Alternative and Renewable Fuel and Vehicle Technology Program (ARFVT Program). The contractor team will assist in evaluating the technical merits of proposals submitted for funding under the Program, provide technical assistance to the Energy Commission in troubleshooting projects approved for funding under the Program, and confirm that the project has been built according to technical specifications in the project agreement.

The Contractor team must have extensive consulting experience in some or all of the following areas of technical expertise:

- Electrical power systems such as batteries and motors
- Combustion processes
- Fluid mechanics and thermodynamics
- Chemistry
- Biological sciences, including fermentation processes and metabolism
- Solid mechanics
- Economics and Finance, as applied to analysis of market viability of emerging fuels and technologies

The Energy Commission is seeking a prime contractor representing a team of companies. A single company, not a group of representatives from different companies, must submit a proposal as the prime contractor. The prime contractor will be responsible for all contract duties, directing team members in all contract provisions, and also participating in technical work assignments.

KEY ACTIVITIES AND DATES

Key activities including dates and times for this RFP are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

| ACTIVITY | ACTION DATE |
|--|-----------------------|
| RFP Release | 1/11/2013 |
| Deadline for Written Questions | 1/23/2013 |
| Pre-Bid Conference | 1/23/2013 |
| Distribute Questions/Answers and Addenda (if any) to RFP | 01/31/2013 |
| Deadline to Submit Proposals by 3:00 p.m. * | 2/25/2013 |
| Clarification Interviews (if needed) | 2/26/2013 – 2/28/2013 |
| Anticipated Notice of Proposed Award Posting Date | 3/28/2013 |
| Anticipated Commission Business Meeting Date | 05/08/2013 |
| Anticipated Contract Start Date | 06/30/2013 |
| Contract Termination Date | 5/31/2016 |

AVAILABLE FUNDING AND HOW AWARD IS DETERMINED

There is a maximum of up to \$2,000,000 available for the contract resulting from this RFP. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder receiving the highest points.

Of this amount \$1,000,000 is currently available. The remaining balance of \$ 1,000,000 may be available contingent upon funds being allocated and needed for these purposes. In the event funds are not allocated for these purposes, the Commission shall have no further liability with regard to the agreement.

The Energy Commission reserves the right to reduce the contract amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Commission contracts. In this event, the Contractor and Commission Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding. If funds are not available, the Energy Commission shall have no further liability with regard to the contract.

ELIGIBLE BIDDERS

This is an open solicitation for private entities, non-profit organizations, the University of California (UC), the U.S. Department of Energy National Laboratories, and other public sector entities that can meet the requirements of this solicitation. Each agreement resulting from this solicitation includes terms and conditions which set forth the entity's rights and responsibilities and all recipients must agree to use only the Energy Commission's agreement terms and conditions (<http://www.energy.ca.gov/contracts/index.html>). Private sector entities must agree to use the Energy Commission standard terms and conditions. The University of California, California or U.S. Department of Energy National Laboratories must use either the standard or the pre-negotiated terms and conditions under (www.energy.ca.gov/contracts/index.html). Public entities may participate as subcontractors if they cannot meet these requirements or agree to the terms. The Energy Commission will not award contracts to non-compliant entities. The Energy Commission reserves the right to modify the terms and conditions prior to executing agreements. Every entity that bids under this solicitation must meet the solicitations requirements and must agree to the terms and conditions included.

PRE-BID CONFERENCE

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at www.energy.ca.gov to confirm the date and time.

January 23, 2013
10:00 AM to 12:00 Noon
California Energy Commission
Hearing Room B
1516 9th Street
Sacramento, CA 95814
Telephone: (916) 654-4381

Participation through WebEx (Optional)

For participation through WebEx, the Energy Commission's on-line meeting service, please follow the instructions below:

To join the online meeting (Now from mobile devices!)

1. Go to <https://energy.webex.com/energy/j.php?ED=213023507&UID=1491604212&PW=NN2Y4ODc1ZDYy&RT=MiM0>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: [meeting@10](#)
4. Click "Join".

To view in other time zones or languages, please click the link:
<https://energy.webex.com/energy/j.php?ED=213023507&UID=1491604212&PW=NN2Y4ODc1ZDYy&ORT=MiM0>

To join the audio conference only

To receive a call back, provide your phone number when you join the meeting, or call the number below and enter the access code.

Call-in toll-free number (US/Canada): 1-866-469-3239

Call-in toll number (US/Canada): 1-650-429-3300

Global call-in numbers:

<https://energy.webex.com/energy/globalcallin.php?serviceType=MC&ED=213023507&tollFree=1>

Toll-free dialing restrictions: http://www.webex.com/pdf/tollfree_restrictions.pdf

Access code: 929 585 177

For assistance

1. Go to <https://energy.webex.com/energy/mc>
2. On the left navigation bar, click "Support".

You can contact me at:

jonah.margolis@energy.ca.gov

1-916-654-4154

To update this meeting to your calendar program (for example Microsoft Outlook), click this link:
<https://energy.webex.com/energy/j.php?ED=213023507&UID=1491604212&ICS=MRS3&LD=1&RD=2&ST=1&SHA2=y2JBpfBjoltco3FHLb1VU2s50mF/vN6Oz9XyVWYtwKo=&RT=MiM0>

WebEx will automatically setup Meeting Manager for Windows the first time you join a meeting. To save time, you can setup prior to the meeting by clicking this link:

<https://energy.webex.com/energy/meetingcenter/mcsetup.php>

The playback of UCF (Universal Communications Format) rich media files requires appropriate players. To view this type of rich media files in the meeting, please check whether you have the players installed on your computer by going to <https://energy.webex.com/energy/systemdiagnosis.php>.

QUESTIONS

During the RFP process, questions of clarification about this RFP must be directed to the Contracts Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on the day of the Pre-Bid Conference.

Approximately two weeks after the Pre-Bid Conference, question and answer sets will be e-mailed to all parties who requested a copy of this RFP from the Commission Contracts Office and to all who attended the Pre-Bid conference and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Commission's website at: <http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with a Commission employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP. Therefore, all communication should be directed in writing to the Energy Commission's Contract Officer assigned to the RFP.

CONTACT INFORMATION

Chris Craig, Contracts Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654-4397
FAX: (916) 654-4423
E-mail: ccraig@energy.ca.gov

RESPONSES TO THIS RFP

Responses to this solicitation shall be in the form of an Administrative, Technical and Cost Proposal according to the format described in this RFP. The Administrative response shall include all required administrative documents. The Technical Proposal shall document the Bidder's approach, experience, qualifications, and project organization to perform the tasks described in the Scope of Work, and the Cost Proposal shall detail the Bidder's budget to perform such tasks. The Technical Proposal shall also include the Bidder's response to the Hypothetical Exercise in Attachment 8.

REFERENCE DOCUMENTS

Bidders responding to this RFP may want to familiarize themselves with the following documents:

- **Fiscal Year 2012/2013 Investment Plan Update for the Alternative and Renewable Fuel and Vehicle Technology Program**

<http://www.energy.ca.gov/2012publications/CEC-600-2012-001/CEC-600-2012-001-CMF.pdf>

- **Fiscal Year 2011/12 Investment Plan**

<http://www.energy.ca.gov/2011publications/CEC-600-2011-006/CEC-600-2011-006-CMF.pdf>

- **Fiscal Year 2010-2011 Investment Plan**

<http://www.energy.ca.gov/2010publications/CEC-600-2010-001/CEC-600-2010-001-CMF.PDF>

- **Fiscal Year 2008-2010 Investment Plan**

<http://www.energy.ca.gov/2009publications/CEC-600-2009-008/CEC-600-2009-008-CMF.PDF>

- **Transportation Energy Forecasts and Analyses (Staff Report) and the ARFVT Benefits Staff Report, prepared for the 2011 *Integrated Energy Policy Report*.**

http://www.energy.ca.gov/2011_energy policy/documents/index.html

- **The Energy Commission's 2011 *Bioenergy Action Plan* for California** evaluates and considers strategies to overcome the remaining challenges to meeting the Governor's targets for bioenergy in California. Publication # CEC-300-2011-001-CTF,

<http://www.energy.ca.gov/2011publications/CEC-300-2011-001/CEC-300-2011-001-CTF.PDF>

- **California Health and Safety Code Sections 44270 - 44271 and 44272 – 44273**

<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAI SdocID=33388627882+0+0+0&WAI Saction=retrieve>

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=44001-45000&file=44272-44273>

- **California Code of Regulations, title 20, sections 3100-3108 (regulations implementing the Program)**

<http://www.energy.ca.gov/2008publications/CEC-600-2008-013/CEC-600-2008-013-F.PDF>

- **DRIVE: California's Alternative & Renewable Fuel & Vehicle Technology Program**

<http://www.energy.ca.gov/drive/index.html>

- **Integrated Energy Policy Report**

http://www.energy.ca.gov/2011_energypolicy/index.html

- **California Energy Action Plan**

<http://www.energy.ca.gov/2008publications/CEC-100-2008-001/CEC-100-2008-001.PDF>

- **Assembly Bill (AB) 32 (Nuñez, Chapter 488, Statutes of 2006)**

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_32&sess=0506&house=B&author=nunez

- **AB 118 (Núñez, Chapter 750, Statutes of 2007)**

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_118&sess=0708&house=B&author=nunez

- **State Alternative Fuels Plan**

<http://www.energy.ca.gov/2007publications/CEC-600-2007-011/CEC-600-2007-011-CMF.PDF>

All above reference documents are on display and available for review in the Energy Commission's Library. Library hours are Monday - Friday from 8:30 a.m. to 4:30 p.m., closed for lunch 12:00-1:00p.m. The Library is located at: California Energy Commission, 1516 Ninth Street, MS-10, Sacramento, CA 95814, (916) 654-4292.

II. Scope of Work and Deliverables

ABOUT THIS SECTION

This section describes the contract scope of work, deliverables and due dates under the direction of the Commission Agreement Manager (CAM).

BACKGROUND

Assembly Bill 118 (Núñez, Chapter 750, Statutes of 2007) created the Alternative and Renewable Fuel and Vehicle Technology Program (Program). The statute, subsequently amended by AB 109 (Núñez, Chapter 313, Statutes of 2008), authorizes the California Energy Commission (Energy Commission) to fund projects for the development and deployment of innovative transportation technologies to transform California's transportation market to one comprised of a diverse portfolio of alternative fuels and advanced vehicles that reduce California's greenhouse gas emissions and dependence on petroleum.

The Energy Commission has an annual program budget of approximately \$100 million and provides financial support for projects that:

- Develop and improve alternative and renewable low-carbon fuels;
- Optimize alternative and renewable fuels for existing and developing engine technologies;
- Produce alternative and renewable low-carbon fuels in California;
- Decrease, on a full-fuel-cycle basis, the overall impact and carbon footprint of alternative and renewable fuels and increase sustainability;
- Expand fuel infrastructure, fueling stations, and equipment;
- Improve light-, medium-, and heavy-duty vehicle technologies;
- Retrofit medium- and heavy-duty on-road and non-road vehicle fleets;
- Expand infrastructure connected with existing fleets, public transit, and transportation corridors; and
- Establish workforce training programs, conduct public education and promotion, and create technology centers

Annual Investment Plan

The California Energy Commission must prepare and adopt an annual investment plan or update for the Program that establishes funding priorities and describes how Program funding will be used to complement other public or private investments. The Energy Commission adopted its most recent investment plan in May 2012. A link to the *2012-2013 Investment Plan for the Alternative and Renewable Fuel and Vehicle Technology Program* (CEC-600-2012-001-CMF) can be found at <http://www.energy.ca.gov/2012publications/CEC-600-2012-001/CEC-600-2012-001-CMF.pdf>.

All projects funded by the Energy Commission must be consistent with the priorities established in the investment plan or the plan update. The Contractor will be expected to provide technical support and engineering consulting services needed to achieve the Program's goals.

GENERAL REQUIREMENTS OR GOALS AND OBJECTIVES

The Bidder who receives a contract from the Energy Commission as a result of this RFP is referred to as the "Contractor" and will perform the tasks specified in this Scope of Work under the direction of the Commission Agreement Manager (CAM). The CAM will oversee the management and administration of the contract. This is a Work Authorization (WA) contract, meaning that no work other than that described in Task 1 (Agreement Management) shall be undertaken unless authorized by the Energy Commission through a document called a "Work Authorization" that specifies tasks, deliverables, and costs. The Energy Commission Work Authorization Manager (WAM) will manage specific projects, including tasks as specified in one or more WAs.

A WA for technical tasks will be used on an as-needed basis. The specific task(s) and the degree of effort for each task will vary from project to project. Work assignments will depend on demand for service. As demand is uncertain, there will be no guarantee of work for the Contractor or any subcontractor.

Selection of Contractor and Subcontractor Personnel for WAs

The Energy Commission reserves the right to select Contractor and subcontractor personnel for WAs based upon expertise and/or suitability for a particular task.

- The Energy Commission reserves the right to choose the personnel deemed best qualified to perform the work based on the following criteria:
 - Depth and breadth of the personnel's education, expertise, experience, knowledge, skills, and abilities to perform the work.
 - Availability of personnel.
 - Available budget in the contract.
- Contractor and subcontractor personnel must respond to a work request from the Energy Commission by email to the Contractor to confirm that they have the qualifications and availability to perform the work or that they decline the work request.
- Contractor and subcontractor personnel must submit resumes, a cover letter briefly describing their qualifications, and unloaded labor rates to the Contractor in response to the Energy Commission's work request.
- The Contractor will forward all personnel responses to the Energy Commission.

Details of the WA Scope of Work and budget will be completed with only the personnel chosen to perform the work.

FORMAT/REPORTING REQUIREMENTS

Deliverables/Reports

When creating reports, the Contractor shall use and follow, unless otherwise instructed in writing by the Commission Agreement Manager (CAM), the latest version of the Consultant Reports Style Manual published on the Energy Commission's web site:

http://www.energy.ca.gov/contracts/consultant_reports/index.html

Each final deliverable shall be delivered as one original, reproducible, 8 ½" by 11", camera-ready master in black ink. Illustrations and graphs shall be sized to fit an 8 ½" by 11" page and readable if printed in black and white.

Electronic File Format

The Contractor shall deliver an electronic copy (CD ROM or memory stick or as otherwise specified by the CAM) of the full text in a compatible version of Microsoft Word (.doc).

The following describes the accepted formats of electronic data and documents provided to the Energy Commission as contract deliverables and establishes the computer platforms, operating systems and software versions that will be required to review and approve all software deliverables.

- Data sets shall be in Microsoft (MS) Access or MS Excel file format.
- PC-based text documents shall be in MS Word file format.
- Documents intended for public distribution shall be in PDF file format, with the native file format provided as well.
- Project management documents shall be in MS Project file format.

Software Application Development

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, contractor shall utilize the following standard Application Architecture components in compatible versions:

- Microsoft ASP.NET framework (version 3.5 and up) Recommend 4.0
- Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5
- Visual Studio.NET (version 2008 and up) Recommend 2010
- C# Programming Language with Presentation (UI), Business Object and Data Layers
- SQL (Structured Query Language)
- Microsoft SQL Server 2008, Stored Procedures Recommend 2008 R2
- Microsoft SQL Reporting Services Recommend 2008 R2
- XML (external interfaces)

Any exceptions to the Electronic File Format requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

TASK 1- AGREEMENT MANAGEMENT

Task 1.1 Kick-off Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

The Contractor shall:

- Attend a “kick-off” meeting with the CAM, the Commission Agreement Officer (CAO), and a representative of the Accounting Office. The meeting will be held either via teleconference or at the California Energy Commission in Sacramento, CA. The CAM will designate the specific location. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CAM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
- If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.

The CAM shall:

- Arrange the meeting including scheduling the date and time.
- Provide an agenda to all potential meeting participants prior to the kick-off meeting.

Deliverables:

- An Updated Schedule of Deliverables (if applicable)

Task 1.2 Invoices**The Contractor shall:**

- Prepare invoices for all reimbursable expenses incurred performing work under this Agreement in compliance with the Exhibit B of the Terms and Conditions of the Agreement. Invoices shall be submitted with the same frequency as progress reports (task 1.4). Invoices must be submitted to the Energy Commission's Accounting Office.

Deliverables:

- Invoices

TASK 1.3 Manage Subcontractors

The goal of this task is to ensure quality products, to enforce subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommend solution to resolve the problem.

The Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the Terms and Conditions of the Agreement, and 2) notify the CAM who will follow the Energy Commission's process for adding or replacing subcontractors.

Task 1.4 Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

The Contractor shall:

- Prepare progress reports which summarize all Agreement activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due within 15 calendar days after the end of the reporting period. The CAM will provide the format for the progress reports.

Deliverables:

- Quarterly Progress Reports

Task 1.5 CPR Meetings

The goal of this task is to determine if the WA project should continue to receive Energy Commission funding to complete this Agreement and if so whether there any modifications that need to be made to the tasks, deliverables, schedule or budget.

CPRs provide the opportunity for frank discussions between the Energy Commission and the Contractor. CPRs generally take place at key, predetermined points in the Agreement, as determined by the CAM. The CAM may schedule additional CPRs as necessary, and, if necessary, the budget will be reallocated to cover the additional costs borne by the Contractor, but the overall contract amount will not increase.

Participants will include the CAM and the Contractor. Participants may include the CAO, the Program Team Lead, and other individuals from the Energy Commission.

The Commission Agreement Manager shall:

- Determine the location, date and time of each CPR meeting with the Contractor. These meetings generally take place at the Energy Commission, but they may take place at another location.
- Send the Contractor the agenda and a list of expected participants in advance of each CPR. If applicable, the agenda shall include a discussion of both match funding and permits.
- Conduct and make a record of each CPR meeting. One of the outcomes of this meeting will be a schedule for providing the written determination described below.
- Determine whether to continue the project, and if continuing, whether or not to modify the tasks, schedule, deliverables, and budget for the remainder of the Agreement, including not proceeding with one or more tasks.
- Provide the Contractor with a written determination in accordance with the schedule. The written response may include a requirement for the Contractor to revise one or more deliverable(s) that were included in the CPR.

The Contractor shall:

- Prepare a CPR Report for each CPR that discusses the progress of the Agreement toward achieving its goals and objectives. This report shall include recommendations and conclusions regarding continued work of the projects. This report shall be submitted along with any other deliverables identified in this Scope of Work. Submit these documents to the CAM and any other designated reviewers at least 15 working days in advance of each CPR meeting.
- Present the required information at each CPR meeting and participate in a discussion about the Agreement.

Deliverables:

- CPR Report(s)

Task 1.6 Final Report

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work completed under this Agreement. The Final Report shall be prepared in language easily understood by the public or layperson with a limited technical background.

The Final Report must be completed before the termination date of the Agreement in accordance with the Schedule of Deliverables.

The Final Report shall be a public document. If the Contractor has obtained confidential status from the Energy Commission, both a public and a confidential version of the Final Report shall be prepared.

The Contractor shall:

- Prepare the draft Final Report for this Agreement.
- Submit the draft Final Report for review and comment. The CAM will provide written comments to the Contractor. The Contractor shall review the comments and discuss any issues with the recommended changes with the CAM.

- Prepare and submit the Final Report, incorporating CAM comments.

Deliverables:

- Draft Final Report
- Final Report

1.7 Prepare and Manage Work Authorizations

The Contractor shall:

- Help prepare WAs in accordance with the contract requirements.
 - The WA format and content shall be specified by the CAM.
 - The WA term end date should be no later than 30 days prior to the termination of the contract. The only exception to this is that a Task 1 contract management and administration WA term end date may be the same as the term end date of the contract. This allows the Contractor time to complete closeout activities for all WAs and to prepare the Final Report.
- Administer Work Authorizations
 - Establish and maintain contractual agreements with entities performing work.
 - Develop project schedules.
 - Manage subcontractor activities in accordance with the contract terms and conditions.
 - Provide oversight and first-level review of reports and documentation, and comment on the content of deliverables.
 - Review and approve all invoices.
 - Provide audit and accounting services for all WAs.
 - Immediately report any significant variances affecting performance of WAs and recommend mitigation actions for consideration by the WAM and CAM. Examples of significant variances include the inability to deliver products by key WA dates, unavailability of key personnel that will effect timely submittal of deliverables, and key technical issues that would require change in scope, redirection of the effort, or discontinuation of the project.
 - Coordinate with the CAM to close out completed WAs and remaining unallocated balances.
- Monitor and Track each WA and the Overall Contract
 - Determine the fiscal status of each WA and the overall contract.
 - Prevent accumulation of cost overruns.
 - Determine if each WA is on schedule.
 - Determine whether deliverables have been submitted and accepted.
 - Track the start, progress, and closure of each WA.

Deliverables:

- Work Authorizations

TECHNICAL TASKS

Task 2 Evaluate Project Proposals

The goal of this task is to assist the Energy Commission in evaluating the technical, economic, financial, and market feasibility of project proposals submitted for possible funding under the Program:

At the direction of the CAM, the Contractor shall:

- 2.1 Review and evaluate Program proposals with consideration to the following:
 - a) Technical feasibility, to ensure that the proposal is viable from an environmental, mechanical, electrical, civil, and chemical engineering standpoint; to assess the proposed project's approach in terms of the likelihood of achieving its stated goals and objectives;
 - b) Economic and financial feasibility;
 - c) Potential volumes of fuel used, petroleum displacement, GHG, air, and water pollutant emission reductions, and the likely timing of these results;
 - d) Cost effectiveness of GHG reduction, petroleum reduction, increased alternative fuel supply, air quality improvements, or other benefits proposed by each proposal.
- 2.2 Prepare a written report which identifies strengths and weaknesses, and provides an analysis of the proposal's technical merit and feasibility. The evaluation reports will be prepared in draft form for Energy Commission staff to review. The Energy Commission will provide written comments to the Contactor and the Contractor will prepare a final version of the report based on these comments.

Deliverable:

- Draft Technical Assessment Report
- Final Technical Assessment Report

Task 3 Confirm Project Built to Technical Specifications

The goal of this task is to confirm that construction projects such as fuel production plants, fueling stations, and fuel storage terminals have been completed in conformity with the technical specifications.

At the direction of the CAM, the Contractor shall:

- 3.1 Conduct site visits to confirm that construction conforms to the project design and technical specifications as stated in the agreement. Meet and discuss with the project engineer. Determine deviations, if any, from original specifications. Identify the changes, why the changes were made, and if the changes were in the project's best interest. Any difference in cost shall be identified.
- 3.2 Prepare reports detailing findings of work performed under Task 3.1. The reports shall include:
 - An overview of the project and a summary of the findings.
 - Time-stamped photographs of the project.
 - Meeting attendees and their respective roles.
 - Recommendations, if any.

Deliverable:

- Draft Construction Verification Report
- Final Construction Verification Report

Task 4 Project Troubleshooting

The goal of this task is to provide specialized technical assistance in troubleshooting and proposing solutions to technical problems that arise in the development of projects approved for

funding under the Program, and assist the Energy Commission in implementing solutions to such problems.

At the direction of the CAM, the Contractor shall:

- 4.1 Assist the Energy Commission in identifying technical problems that may arise for projects. This shall include conducting project site visits; participating in consultation meetings with project developers and vendors; troubleshooting problems; and proposing solutions.
- 4.2 Prepare reports detailing findings of work performed under Task 3.1. The written reports shall include:
 - An overview of the project and a description of the technical problem;
 - A listing of all site visits or meeting attendees, and their role;
 - Proposed solutions to resolve the identified problem(s);
 - A recommendation as to the best solution; and
 - Any other recommendations.
- 4.3 Monitor corrective actions by the project owner to resolve the technical problems which have been identified in the reports. The Contractor shall provide a status of the corrective actions as part of the monthly progress reports required under Task 1 of the Scope of Work

Deliverable:

- Draft Project Consultant Report
- Final Project Consultant Report

SCHEDULE OF DELIVERABLES AND DUE DATES

| Task/Subtask | Deliverable | Due Date |
|--------------|---|---|
| 1..1 | Updated Schedule of Deliverables | May 2013 |
| 1.4 | Quarterly Progress Reports with invoices | 10 calendar days after quarter-end |
| | Backup documentation for invoices | as required |
| 1.5 | CPR Reports | as required |
| 1.6 | Draft final Report | 2/01/2016 |
| 1.6 | Final Report | 3/01/2016 |
| 1.7 | Work Authorization(s) | to be determined |
| 2 | Draft and Final Technical Assessment Reports | to be determined via work authorization |
| 3 | Draft and Final Construction Verification Reports | to be determined via work authorization |
| 4 | Draft and Final Project Consultant Report | to be determined via work authorization |

III. Proposal Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit a proposal. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Commission to evaluate each proposal uniformly and fairly. Bidders must follow all Proposal format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged.

NUMBER OF COPIES

Bidders must submit the original and **5** copies of the proposal (Sections 1 and 2).

Bidders must also submit electronic files of the proposal on [CD-ROM or USB memory stick](#) along with the paper submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word 2007 (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 7, must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the proposal must be labeled "Request for Proposal 600-12-604 and include the title of the proposal and the appropriate section number.

Include the following label information and deliver your proposal, in a sealed package:

Person's Name, Phone #
Bidder's Name
Street Address
City, State, Zip Code
FAX #

RFP 600-12-604
Contracts Office, MS-18
California Energy Commission
1516 Ninth Street, 1st Floor
Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered **no later than 3:00 p.m.**, to the Commission Contracts Office during normal business hours and prior to the date and time specified in this RFP. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR PROPOSAL AS FOLLOWS

SECTION 1, Administrative Response

Cover Letter

Table of Contents

Contractor Status Form

Darfur Contracting Act Form

Small Business Certification

Completed Disabled Veteran Business Enterprise form

Bidder Declaration form GSPD-05-105

Contractor Certification Clauses

TACPA/EZA/LAMBRA Forms

Attachment 1

Attachment 2

If applicable

Attachment 3.3

Attachment 3.4

Attachment 4

If applicable

SECTION 2, Technical and Cost Proposal

Approach to Tasks in Scope of Work

Organizational Structure

Relevant Experience and Qualifications

Labor Hours by Personnel and Task

Client References

Hypothetical Exercise

Previous Work Products

Budget Forms

Attachment 5

Attachment 8

Attachment 7. See also G below.

A. Organizational Structure

1. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team.
2. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and subcontractors on your team.
3. Identify the location of the Bidder's and Subcontractor's headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
4. Describe Bidder's professional awards.
5. Describe the organization, composition, and functions to be performed by staff members of the Bidder and any subcontractors and how the staff pertains to this contract.

B. Approach to tasks in Scope of Work

6. Describe the Bidder's approach to providing services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.

C. Relevant Experience and Qualifications

1. Document the project team's qualifications as they apply to performing the tasks described in the Scope of Work. Describe recently completed work as it relates to this Scope of Work.
2. Identify and list all Bidder staff and subcontractors (all team members) who will be committed to the tasks and describe their roles.
3. Provide a current resume for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses.
4. Identify the percentage of time each team member will be available throughout the contract.

D. Client References

Each bidder shall complete Client Reference Forms. Three client references are required for the Contractor and three for each subcontractor.

E. Hypothetical Exercise

Each bidder will be asked to do a review of a hypothetical proposal received under a biofuel production for transportation solicitation. This review should demonstrate the bidder's technical and subject matter expertise

F. Previous Work Products

Each bidder shall provide at least one example of a similar work product for the services to be provided. If subcontractors will be providing technical support in a task area, each subcontractor shall also submit one example work product that demonstrates experience in potential work assignments described in this RFP.

It is not necessary to provide more than one copy of each work product example. Web links are acceptable.

G. Budget Forms

| | |
|--|---------------------------------|
| Prime Labor Rates | Attachment 7, Attachment B-3 |
| Labor Rates for each Subcontractor | Attachment 7, Attachment B-3a-z |
| Prime Non-Labor Rates | Attachment 7, Attachment B-4 |
| Non-Labor Rates for each Subcontractor | Attachment 7, Attachment B-4a-z |
| Loaded Hourly Rate Calculation | Attachment 7, Attachment B-6 |

The Bidder must submit information on all of the attached budget forms, B-3 through B-6, and this will be deemed the equivalent of a formal Cost Proposal.

Detailed instructions for completing these forms are included at the beginning of Attachment 7.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the Contractor for this RFP. The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their **actual** rates up to these rate caps. The hourly rates provided in all B-3s shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

All budget forms are required because they will be used for the contract prepared with the winning Bidder.

NOTE: The information provided in these forms will **not** be kept confidential.

Attachment B-6: Loaded Hourly Rate Calculation

This attachment will be used for the purposes of calculating the average hourly rate score under **cost criterion 5.1**, located in the Evaluation Criteria Worksheet. The loaded hourly rate is defined as direct labor, fringe benefits, non-labor rates (overhead, general and administrative, etc., as applicable), and profit (if applicable).

1. Use one form for the Bidder (Prime Contractor) and one for each subcontractor. Insert your company or organization name at the top of the form.
2. For each staff person from this company or organization that will be directly billed to this Agreement:
 - Provide the job classifications or title.
 - Insert the unloaded hourly rates in the direct labor column. You must use the rates provided on Forms **B-1 and B-2** for your company or organization when calculating the loaded hourly rates. Follow the instructions on the form, Attachment **B-3**, Loaded Hourly Rate Calculation, in budget workbook.

IV. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals.

PROPOSAL EVALUATION

A Bidder's proposal will be evaluated and scored based on their response to the information requested in this RFP. The entire evaluation process from receipt of proposals to posting of the Notice of Proposed Award is confidential.

To evaluate all Proposals, the Energy Commission will organize an Evaluation Committee. The Evaluation Committee may consist of Energy Commission staff or staff of other California state entities.

The Proposals will be evaluated in two stages:

Stage One: Administrative and Completeness Screening

The Contracts Office will review Proposals for compliance with administrative requirements and completeness. Proposals that fail Stage One shall be disqualified and eliminated from further evaluation.

Stage Two: Technical and Cost Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

During the evaluation and selection process, the Evaluation Committee may schedule a clarification interview with a Bidder that will either be held by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to change or add to the contents of the original Proposal.

The total score for each Proposal will be the average of the combined scores of all Evaluation Committee members.

After scoring is completed, Proposals not attaining a score of 70 percent of the total possible points will be eliminated from further competition.

All applicable Preferences will be applied to all Proposals attaining a minimum of 70 percent of the total possible points. The agreement shall be awarded to the responsible Bidder meeting the requirements outlined above, who achieves the highest score after application of Preferences.

SCORING SCALE

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Evaluation Criteria Worksheet.

| % of Possible Points | Interpretation | Explanation for Percentage Points |
|-----------------------------|-----------------------|--|
| 0% | Not Responsive | Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 25% | Minimally Responsive | Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 50% | Inadequate | Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution. |
| 70% | Adequate | Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 80% | Good | Response fully addresses the requirements being scored with a good degree of confidence in the Bidder's response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 90% | Excellent | Response fully addresses the requirements being scored with a high degree of confidence in the Bidder's response or proposed solution. Bidder offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 100% | Exceptional | All requirements are addressed with the highest degree of confidence in the Bidder's response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

PREFERENCE POINTS

A Bidder may qualify for non-technical preference points described below. Each qualifying Bidder passing the minimum technical evaluation will receive the applicable preference points.

Disabled Veteran Business Enterprise Incentive

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et.seq. The information in Attachment 3.1 explains how the incentive is applied and how much of an incentive will be given.

Small / Microbusiness

Bidders who qualify as a State of California certified small business will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. Bidders qualifying for this preference must submit a copy of their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

Non-Small Business

The preference to a non-small business bidder that commits to small business or micro-business subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the highest responsive, responsible bidder's total score (RFP secondary). A non-small business, which qualifies for this preference, may not take an award away from a certified small business. Bidders qualifying for this preference must document the small business status of all subcontractors on Attachment 3.4 and submit all applicable Small Business Certifications.

Target Area Contract Preference Act/ Enterprise Zone Act/ Local Agency Military Base Recovery Act

The following preferences will be granted for this solicitation. Bidders wishing to take advantage of these preferences will need to review the websites stated below and submit the appropriate response with their Bid.

Target Area Contract Preference Act (TACPA)

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/tacpage.pdf> to determine if they qualify for this preference.

Enterprise Zone Act (EZA)

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/ezapage.pdf> to determine if they qualify for this incentive.

Local Agency Military Base Recovery Act (LAMBRA)

The Local Agency Military Base Recovery Act (Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/lambrapage.pdf> to determine if they qualify for this preference.

The TACPA, EZA, and LAMBRA preferences only apply to California based firms that demonstrate and certify under penalty of perjury that at least 50% of the total labor hours for manufactured goods or 90% of the total labor hours for services will be performed in distressed areas. The maximum preference that can be given for any bid may not exceed 9% up to \$50,000.00.

Bidders wishing to take advantage of these preferences are required to submit the following applications/forms available on the above websites with their Bid:

- TACPA (Std. 830) and/or EZA (Std. 831) and or LAMBRA (Std. 832)

- Bidder's Summary of Contract Activities and Labor Hours (DGS/PD 526)

If you have further questions or need additional information on this matter, please contact TACPA/EZA/LAMBRA Preference Program Group at (916) 375-4609.

NOTICE OF PROPOSED AWARD

The Commission will post a Notice of Proposed Award (NOPA) at the Commission's headquarters in Sacramento, on the Commission's Web Site, and will mail the NOPA to all parties that submitted a proposal.

| Evaluation Criteria | Possible Points |
|--|-----------------|
| <p>Part I: Technical Score</p> <p>The proposal must explain how the Bidder meets the requirements of each criterion listed below.</p> | |
| <p>Contractor Qualifications and Experience</p> <p>1. Bidder's and Bidder's Subcontractors' Technical Qualifications and Experience in the following Substantive Areas:</p> <ul style="list-style-type: none"> (a) Electrical Power Systems (b) Combustion processes (c) Fluid mechanics and thermodynamics (d) Chemistry (e) Biological Sciences, including fermentation processes and metabolism (f) Solid mechanics (g) Economics and Finance-ability to provide comprehensive assessment of likely market viability of emerging fuels and energy technologies | 20 |
| <p>2. Contract Management Ability</p> <ul style="list-style-type: none"> (1) The Bidder has an effective strategy to perform the tasks in the Scope of Work, including management of the contract resulting from this RFP (i.e., a multi-year contract with multiple personnel). (2) The Bidder has experience managing contracts/projects similar to the contract that will result from this RFP. (3) The Bidder has experience in developing cost-effective methods for managing subcontractor assignments, including methods for ensuring timely submission of quality work, efficiently assigning tasks, and efficiently following up on tasks. (4) The Bidder has efficient methods to: (1) determine the budget status of each Work Authorization (WA) and the contract; (2) prevent cost overruns; (3) determine if each WA is on schedule; (4) determine that all deliverables have been submitted and accepted by the Energy Commission; and (5) track the start, progress, and closure of each WA. (5) The invoicing procedures that will be used for the contract are efficient and effective. (6) The Bidder can quickly verify charges before submitting them to the Energy Commission for reimbursement, and can resolve any discrepancies found as a result of the verification. (7) The Bidder's proposal provides clearly defined roles and responsibilities among the team members. | 10 |
| <p>3. Response to Hypothetical Proposal</p> <p>Each bidder will be asked to do a review of a hypothetical proposal received under a biofuel production for transportation solicitation. This review should demonstrate the bidder's technical and subject matter expertise.</p> <p>The proposal will be reviewed based on the following:</p> <p>a) GHG Reductions - The bidder shall evaluate and make comment on the GHG reduction claims presented in the hypothetical proposal by completing the following:</p> <ul style="list-style-type: none"> • Analyze, verify and provide a summary of GHG reduction claims, identifying all assumptions and calculations used, as well as areas where more information may be required to produce a thorough analysis. (5 Points) • Provide references for information used to validate GHG reduction calculations, | 25 |

| | |
|---|------------|
| <p>including but not limited to: California Air Resources Board regulations, CA-GREET and peer reviewed materials. (5 Points)</p> <p>b) Market Viability, Economic Benefits, and Technology Development Determination - The bidder shall evaluate and make comment on the market viability, economic benefits and technology development claims presented in the hypothetical proposal by completing the following:</p> <ul style="list-style-type: none"> Analyze, verify and provide a summary of the market viability of the proposed project over the 2013-2020 time period, identifying all assumptions, relevant industry information, reference materials and calculations used. Bidder will highlight any areas where analysis differs from information provided in the hypothetical proposal. (5 Points) Analyze, verify and provide a summary of the economic benefits claimed by the proposed project over the 2013-2020 time period, identifying all assumptions, reference materials and calculations used. Bidder will highlight any areas where analysis differs from information provided in the hypothetical proposal. (5 Points) Evaluate and summarize statements regarding technology advancements that would be promoted from the funding of the project under the hypothetical proposal. (5 Points) <p>The proposal review shall be limited to a maximum of five (5) pages.</p> | |
| <p>Client References Each Bidder shall complete three Client Reference Forms. References will be evaluated based on their relevance to the work in this RFP, and their description of the Bidder's ability.</p> | 5 |
| <p>Previous Work Products Each Bidder shall provide at least one example of a similar work product for the services to be provided as described in the RFP.</p> <p>It is not necessary to provide more than one copy of each work product example. Web links are acceptable.</p> | 10 |
| Part II: Cost Score | |
| <p>1. Average Loaded Hourly Rate. The Score for this criterion will be derived from the mathematical cost formula set forth below, which compares the cumulative average loaded hourly rate (ALHR) of all qualifying loaded hourly rates listed in the subject Bidder's Cost Bid, with the cumulative ALHR of all hourly rates listed in the Lowest Bidder's cost bid.</p> <p>[Lowest Team ALHR] divided by [particular Bidder's Team ALHR] and multiplied by [20].</p> | 20 |
| <p>2. Cost Justification. Bidder has justified all proposed personnel identified in its bid for all technical areas and functions to be performed by Prime and Team Members.</p> | 10 |
| Maximum Points Available | 100 |
| Minimum Passing Score (70%) | 70 |
| BIDDER'S TOTAL TECHNICAL SCORE: | |
| Small/Micro Business Preference: | |
| Non-Small Business Preference: | |
| Disabled Veteran Business Enterprise Incentive: | |
| Target Area Contract Performance Act Adjustment: | |

| | |
|--|--|
| Enterprise Zone Act Adjustment: | |
| Local Agency Military Base Recovery Area Adjustment: | |
| BIDDER'S FINAL SCORE: | |

The method for evaluating the based on average loaded hourly rate is the formula below:

i. Cost Formula for calculation of average loaded hourly rate score (criterion 1 above)

“**Lowest Bidder**” is defined as the Bidder with the lowest cumulative average loaded hourly rate for all prime contractor and all subcontractor personnel.

For example (using the following arbitrary hourly rates and fictional cost bids):

Bidder 1

| Prime Contractor | Subcontractor A | Subcontractor B |
|---------------------------|------------------------|------------------------|
| Project Manager: \$100/hr | Engineer I: \$90/hr | Engineer IV: \$120/hr |
| Engineer II: \$100/hr | | |
| Engineer III: \$110/hr | | |

Bidder 1's cumulative average loaded hourly rate = 100 + 90 + 100 + 110 + 120 divided by 5 = **\$104**

Bidder 2

| Prime Contractor | Subcontractor A | Subcontractor B |
|---------------------------|------------------------|------------------------|
| Project Manager: \$100/hr | Engineer I: \$100/hr | Engineer IV: \$130/hr |
| Engineer II: \$110/hr | | |
| Engineer III: \$120/hr | | |

Bidder 2's cumulative average loaded hourly rate = 100 + 100 + 110 + 120 + 130 divided by 5 = **\$112**

Bidder 3

| Prime Contractor | Subcontractor A | Subcontractor B |
|---------------------------|------------------------|------------------------|
| Project Manager: \$110/hr | Engineer I: \$110/hr | Engineer IV: \$140/hr |
| Engineer II: \$120/hr | | |
| Engineer III: \$130/hr | | |

Bidder 3's cumulative average loaded hourly rate = 110 + 110 + 120 + 130 + 140 divided by 5 = **\$122**

In the examples above, Bidder 1 would be the Lowest Bidder.

ii. The Cost Formula for calculating the Points Awarded for criterion 1 above is as follows:

a. Calculate Cumulative Average Loaded Hourly Rate

For each Bidder, we calculate the average rate, by adding all rates, and dividing by the number of rates:

Sum of all rates divided by Number of Rates Given = Average Loaded Hourly Rate for each Bidder: \$_____

b. Create Percentage

Then we compare rates of all the Bidders, by creating a percentage of the Bidder's rate, compared to the lowest Bidder's rate. The lowest Bidder will receive 100 percent of possible points:

(Lowest Bidder's Cumulative Average Loaded Hourly Rate divided by Bidder's Cumulative Average Loaded Hourly Rate) = Bidder's Percentage of Points

c. Apply Possible Points

Finally, we multiply the Bidder's Percentage of Points by the number of possible points:

Bidder's Percentage of Points X Possible Points = Points Awarded (taken out 2 decimal places only).

Following is an example of Cost Score Calculation, using the above examples:

Cumulative Average Hourly Rates: Bidder #1 = \$104, Bidder #2 = \$112, Bidder #3=\$122

| <i>Bidder #1</i> | | | <i>Bidder #2</i> | | | <i>Bidder #3</i> | | |
|---------------------------|----------------------|----------------|--------------------------|----------------------|----------------|--------------------------|----------------------|----------------|
| 104 divided by 104 = 100% | | | 104 divided by 112 = 93% | | | 104 divided by 122 = 85% | | |
| Possible Points | Percentage of Points | Points Awarded | Possible Points | Percentage of Points | Points Awarded | Possible Points | Percentage of Points | Points Awarded |
| 20 | 100% | 20 | 20 | 93% | 18.6 | 20 | 85% | 17 |

iii. Cost Justification

In relation to Cost Criteria 2 above, the bidder shall explain and justify all proposed personnel identified in the Proposal for all technical areas and functions to be performed by the Prime and each of the Subcontractors.

V. Administration

RFP DEFINED

The competitive method used for this procurement of services is a Request for Proposal (RFP). A Proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every Proposal must establish in writing the Bidder's ability to perform the RFP tasks.

DEFINITION OF KEY WORDS

Important definitions for this RFP are presented below:

| Word/Term | Definition |
|-------------------|--|
| State | State of California |
| DGS | Department of General Services |
| Energy Commission | California Energy Commission |
| RFP | Request for Proposal, this entire document |
| Proposal | Formal written response to this document from contractor |
| Bidder | Respondent to this RFP |
| CAM | Commission Agreement Manager |
| DVBE | Disabled Veteran Business Enterprises |

COST OF DEVELOPING PROPOSAL

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

SOFTWARE APPLICATION DEVELOPMENT

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, contractor shall utilize the following standard Application Architecture components in compatible versions:

- Microsoft ASP.NET framework (version 3.5 and up) Recommend 4.0
- Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5
- Visual Studio.NET (version 2008 and up) Recommend 2010
- C# Programming Language with Presentation (UI), Business Object and Data Layers
- SQL (Structured Query Language)
- Microsoft SQL Server 2008, Stored Procedures Recommend 2008 R2
- Microsoft SQL Reporting Services Recommend 2008 R2
- XML (external interfaces)

Any exceptions to the Electronic File Format requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

PRINTING SERVICES

Per Management Memo 07-06, State Agencies must procure printing services through the Office of State Publishing (OSP). Bidders shall not include printing services in their proposals.

CONFIDENTIAL INFORMATION

The Commission will not accept or retain any Proposals that contain confidential information.

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all solicitations must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2)

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2)

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Goals: This RFP is subject to a mandatory participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 *et seq.*

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

More information regarding DVBE and Small Business is located in Attachments 3.1 and 3.2.

RFP CANCELLATION AND AMENDMENTS

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this RFP;
- Amend this RFP as needed; or
- Reject any or all Proposals received in response to this RFP

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission’s Web Site www.energy.ca.gov/contracts and Department of General Services’ Web Site http://www.bidsync.com/DPX?ac=powersearch&srchoid_override=307818.

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF PROPOSAL

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: "This proposal and the cost estimate are valid for 60 days."

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder's proposal. The Energy Commission's waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

DISPOSITION OF BIDDER'S DOCUMENTS

On the Notice of Proposed Award posting date all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

BIDDERS' ADMONISHMENT

This RFP contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire RFP, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the RFP are followed and appropriately addressed, and carefully reread the entire RFP before submitting a proposal.

GROUND TO REJECT A PROPOSAL

A Proposal shall be rejected if:

- It is received after the exact time and date set for receipt of Proposal's pursuant to Public Contract Code, Section 10344.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act Form.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.

- The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
- It contains confidential information.
- The Bidder does not agree to the terms and conditions as attached to the solicitation either by not signing the Contractor Status Form or by stating anywhere in the bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

A Proposal may be rejected if:

- It is not prepared in the mandatory format described.
- It is unsigned.
- The firm or individual has submitted multiple proposals for each task.
- It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.
- The bidder has previously completed a PIER agreement, received the PIER Royalty Review letter, which the Commission annually sends out to remind past recipients of their obligations to pay royalties, and has not responded to the letter or is otherwise not in compliance with repaying royalties.
- The budget forms are not filled out completely.

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five **working** days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
- Within five **calendar** days after filing the protest, the protesting Bidder must file with the DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

AGREEMENT REQUIREMENTS

The content of this RFP shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this RFP.

No Contract Until Signed & Approved

No agreement between the Commission and the successful Bidder is in effect until the contract is signed by the Contractor, approved at a Commission Business Meeting, and approved by the Department of General Services, if required.

Contract Amendment

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.